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## COMMITTEE PROCEEDINGS

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The Committee met four times, December 1, 2008, January 9, 2009, January 26, 2009, and February 18, 2009. Complete Committee minutes, including all written material submitted by persons who made formal presentations to the Committee, are permanently available in the Legislative Library.

### December 1, 2008

The Committee reviewed its charge with a presentation by Committee Co-counsel Brad Krehely. Following the review of the Committee's charge, the Committee heard presentations from the Honorable Richard E. Hunter, Jr., Clerk of Superior Court of Warren County and the Honorable James C. Stanford, Clerk of Superior Court of Orange County. Both are members of the Committee. They discussed property partition procedures, covering actual partitions and sales.

Faith Rivers, Associate Professor of Law at Elon University School of Law, made a presentation to the Committee that reviewed the history of heir property and joint property ownership. She also discussed some of the challenges poor landowners face from partition sales. Finally, she reviewed the procedures in South Carolina and Alabama.

Andrew Branan, Executive Director of the North Carolina Farm Transition Network, discussed the work of his organization in preventing problems associated with the partition of heir property. His organization approaches the problem using a planning and prevention approach in which the family tries to decide what they will want to happen to the land when the time comes. This involves consideration of what they have and which family members may wish to continue farming the land. This involves education of family members, as well as the professional people who might serve them, such as lawyers and accountants.

The Committee discussed what had been presented, as well as additional information it required. The Administrative Office of the Courts, the Real Property Section of the North Carolina Bar Association, and the Land Loss Prevention Project all offered to assist the Committee in its work.

### January 9, 2009

The Committee began its meeting with a presentation by Committee Co-counsel Ryan Blackledge who reviewed the North Carolina statutory provisions for partition actions.

John Pollock, Enforcement Director of the Alabama Fair Housing Center, presented an overview of partition procedures around the United States. Mr. Pollock made some specific suggestions for changes to North Carolina law that included:

- Require the Court to consider non-economic value of property in weighing sale.
- Allow a buyout option for partition sale opponents if division is not possible.
- Ensure that owners receive notice of the action.
- Establish sale procedures.